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19 Attorneys for IN-N-OUT BURGERS, a California Corp.

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

22 IN-N-OUT BURGERS, a California
23 Corporation,

24 Plaintiff,

25 v.

26 SAI M. ONG, an individual d/b/a
27 “IN N OUT SMOG CHECK,” BO
28 TRAN, an individual d/b/a “IN &
OUT SMOG CHECK,” PHI L. LE,
an individual d/b/a “IN-N-OUT

Case No. C07 05453 JL

Assigned for all purposes to the
Honorable James Larson, Dept. F

NOTICE OF DISMISSAL

Date: January 30, 2008

Time: 10:00 a.m.

Dept.: F

SMOG CHECK,” MAN Q. DINH,
an individual d/b/a “IN N OUT
SMOG CHECK,”

Defendants.

**TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), plaintiff IN-N-OUT BURGER (“INO BURGER”) hereby dismisses the above-captioned matter against defendants SAI M. ONG, an individual d/b/a “IN N OUT SMOG CHECK”, BO TRAN, an individual d/b/a “IN & OUT SMOG CHECK”, PHI L. LE, an individual d/b/a “IN-N-OUT SMOG CHECK”, and MAN Q. DINH, an individual d/b/a “IN N OUT SMOG CHECK” for state and federal Trademark Infringement, state, federal, and common law Unfair Competition, and dilution under California law, without prejudice.

PLEASE TAKE FURTHER NOTICE that INO BURGER requests that the Court take the Initial Case Management Conference, scheduled for January 30, 2008, at 10:30 a.m., off calendar.

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1 Dated: January 25, 2008

Respectfully submitted,

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3 By: _____/s/_____

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16 Attorneys for IN-N-OUT BURGERS

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20 February 4, 2008

